

MINUTES
Crested Butte Town Council
Regular Meeting
Crested Butte Town Hall
Monday July 18, 2005

Mayor James Schmidt called the meeting to order at 7:02 p.m. Council members present: Margot Levy, Ron Chlipala, Michael Helland, and Skip Berkshire. Absent: Alan Bernholtz and Bill Coburn. Staff present: Town Manager Frank Bell, Town Attorney Laura Magner, Town Clerk Eileen Hughes, and Town Planner John Hess (for part of the meeting).

Schmidt noted that during the work session prior to the regular meeting, John Whitney, Southwest regional director for US representative John Salazar, introduced himself to the Council and distributed a constituent services guide. During the work session Council also discussed the upcoming coordinated mail ballot election with Gunnison County Clerk Stella Dominquez.

Approval of the minutes of the July 5, 2005 regular council meeting.
Chlipala moved and Helland seconded to approve the minutes of the July 5, 2005 regular council meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

1. **PUBLIC COMMENTS** -None

2. **COUNCIL COMMENTS**

Schmidt:

- Asked council to contact him if they have any suggested nominees to serve on the state wide water round table group. Bell noted that the Upper Gunnison Water Conservancy District is also soliciting potential nominees.

3. **PUBLIC HEARINGS**

A) Special Events Permit- Vinotok Celebration –September 24, 2005-Elk Ave. between 2nd and 4th streets and 4-Way Stop Parking Lot. Vinotok organizer Nancy Wicks was present. Wicks explained that the Restaurant Association may also sponsor an event on Elk Ave. in conjunction with Vinotok. Bell explained that more details regarding Vinotok will be worked out as plans unfold. Council briefly discussed whether or not an update on the event is needed in early September. Bell explained that he will monitor the event internally and Council agreed that an update from the organizer was not necessary.

Levy moved and Chlipala seconded to approve a special events permit for the Vinotok celebration. Roll call vote taken with all voting yes. **Motion passed unanimously.**

B) Ordinance No. 12, Series 2005-An Ordinance Amending the 1987 Crested

Butte Municipal Code to Clarify the Town's Ability to Tow, Impound, and Immobilize Vehicles. Schmidt read the title of the ordinance and opened the public hearing. Schmidt reviewed some of the fees included in the ordinance and Town Attorney Magner clarified several provisions in the ordinance. Bell explained that most vehicles are towed to the town lot. Magner noted the provision in the ordinance that lists scenarios under which vehicles may be towed. There were no public comments.

Levy moved and Helland seconded to approve Ordinance No. 12, Series 2005. Roll call vote taken with all voting yes. **Motion passed unanimously.**

C) Ordinance No. 13, Series 2005- An Ordinance Amending the Town Code To Establish Regulations Relating To Construction Sites.

Schmidt read the title of the ordinance and opened the public hearing. Bell said the ordinance may need to be clarified to note that operation of equipment is considered a construction related activity and includes warming up a vehicle. Magner said she interprets starting up construction equipment as a construction related activity and indicated that further clarification in the ordinance was not necessary.

Chris Greene and Andrea Elkourie, who own the Ruby Mountain Bed and Breakfast asked council to consider a later start time (8 a.m.) for construction activity or perhaps a later start time for tourist zones because construction noise can affect their business. Council indicated that a 7 a.m. construction start time is the industry standard. Council also explained that if problems arise, the times in the ordinance can be revisited. Several council members suggested that if Greene and Elkourie encounter any problems they talk to the contractor first and try to work out any problems that may occur concerning noise. Council also indicated that it was okay to contact the council and/or the Town Manager.

Levy moved and Helland seconded to approve Ordinance No. 12, Series 2005. Roll call vote taken with all voting yes. **Motion passed unanimously.**

4. **NEW BUSINESS**

A) Consideration of Town Participation in the November, 2005 Gunnison County Coordinated Mail Ballot Election.

Council briefly discussed the topic. Schmidt, Berkshire and Chlipala expressed dismay that the County Commissioners did not give the Town more advance notice regarding plans for a mail ballot election and they said they felt the Town really did not have a choice on the matter. Schmidt commented that it didn't make sense that in odd years the County election is a mail ballot and in even years it's a polling place election. Levy commented that voters are resilient and can adapt to the change to a mail ballot election alternating with a polling place election.

Helland moved and Levy seconded that the Town of Crested Butte will participate in the Gunnison County coordinated election on November 1, 2005. Roll call vote taken with all voting yes. **Motion passed unanimously.** Schmidt said he reluctantly voted yes.

B) Review of Winery License Application to Conduct a Wine Tasting on August 19, 2005 at Queen of All Saints Catholic Church Meeting Room in Conjunction with the Crested Butte Wild Mushroom Festival.

Hughes explained that Council, which serves as the Local Liquor Licensing Authority, may register an objection with the State to the issuance of the license but does not have the authority to deny the permit. She added that wine festival permits are issued by the State and the Local Liquor Licensing Authority is given an opportunity to review the license and state any objections.

By unanimous consent, Council stated no objections to the issuance of a wine festival permit for the wine tasting event at the Queen of All Saints Catholic Church Meeting room on August 19, 2005.

C) Consideration of Relocation of Building Envelope on Lot 21, Trappers Crossing at Crested Butte Adjacent to Peanut Lake. Town Planner Hess suggested that Council make a site visit to the property before making a decision. Architect Bob Brotherton was in attendance and noted that the building envelope is staked out. Council agreed to make a site visit on Tuesday August 2, 2005 and to meet at Town Hall at 5:30 p.m. and proceed to the site.

Levy moved and Chlipala seconded to continue Consideration of Relocation of Building Envelope on Lot 21, Trappers Crossing at Crested Butte as a regular agenda item on August 2, 2005. Roll call vote taken with all voting yes. **Motion passed unanimously.**

D) Resolution No. 4, Series 2005- A Resolution of Appreciation of the Crested Butte Chamber of Commerce. Schmidt read the resolution. Levy noted that the Chamber of Commerce Board is meeting on July 19th and would be happy to get a copy of the resolution.

Levy moved and Berkshire seconded to approve Resolution No. 5, Series 2005. Roll call vote taken with all voting yes. **Motion passed unanimously.**

E) Resolution No. 5, 2005-A Resolution Approving a Lease with Kinetic Leasing Inc. for the Purpose of Acquiring a Loader and Backhoe. Bell recommended approval of the leases; he said public works department staff have been test driving several models and are pleased with the equipment.

Levy moved and Berkshire seconded to approve Resolution No. 4, Series 2005. Roll call vote taken with all voting yes. **Motion passed unanimously.**

F) Approval of Amendments to Intergovernmental Agreement with the Gunnison County Metropolitan Recreation District Regarding Payment and Expenditures of Conservation Trust Fund Monies.

Bell explained that the amendments are housekeeping items revising language in the document. Bell explained that the current IGA does not comply with state statutes due to technical errors in the document. Bell added that the amendments to the agreement will not have any fiscal impact.

Chlipala moved and Levy seconded to accept the amended intergovernmental agreement with Gunnison County Metropolitan Recreation District as revised

from the earlier agreement. Roll call vote taken with all voting yes. **Motion passed unanimously.**

6. **LEGAL MATTERS/TOWN ATTORNEY** -None

7. **STAFF REPORTS**

Hess:

- Distributed copies of the draft Crested Butte Area Plan (Three Mile Plan) to Council and noted the cover memo explaining some of the changes in the document. Hess said he would like input from the entire council (which also serves as the Planning Commission) on the plan and future steps for taking the document to Gunnison County.
- Noted that the Peanut Mine Rehabilitation Project has started. The lower loop trail will remain open but the rehabilitation project will make the area unpleasant.
- The Gunnison County Planning Commission met recently regarding the Gunnison County Comprehensive plan. A proposal is being considered to eliminate the ¼ mile buffer along highway 135 from Gunnison to Crested Butte. Schmidt suggested Council discuss the topic at a later date. Hess will draft information on the topic for the Town of Crested Butte Planning Commission to review at its July 25th meeting.

Bell:

- Reminded Council of the meeting with U.S. Forest Service representatives on Thursday, July 21, 2005.
- Noted that he will make a presentation before Region 10 on Thursday July 28 regarding the Town's Enterprise Zone application.
- Explained that the 2006 Budget needs to be approved by October 17, or close to that date. Bell said part of the upcoming council/staff retreat can be devoted to a discussion of capital projects and noted that the Town's auditing team suggested the Town develop a five-year Capital Improvement budget. Council agreed to schedule a budget work session on September 12, 2005 from 6-9 p.m.
- Schmidt asked Bell when he anticipated CBMR representative John Norton to make a presentation to Council regarding expansion of the ski area onto Snodgrass Mountain. Bell said he anticipated Norton would make a presentation on August 15. Council then discussed the question of whether or not CBMR's application to the U.S. Forest Service regarding the expansion will be accepted by the Forest Service. And if it's premature to have a presentation from Norton if the application may not be accepted. Schmidt asked Bell to call Norton and inquire if it would be worthwhile to schedule a presentation regarding the proposed Snodgrass expansion before the U.S. Forest Service accepts the application.
- Schmidt requested an agenda item for the August 2, 2005 Council meeting regarding next steps for Crested Butte Arts and Recreation (CBAR) planning. Schmidt commented that a staff analysis of CBAR would be beneficial.

Bell noted that the Town's relationship with the Elk Mountain Design Collaborative is effectively over once the consultants provide the Master Plan document. Council and staff characterized the strategy for the August 2nd CBAR discussion as sifting through the consultant's report and staff analysis of CBAR planning.

Hughes:

- Reported that she just returned from her final week long "Clerk's Institute" in Boulder, which she has attended for the past three summers; once the paperwork is completed she will be a certified municipal clerk. Hughes thanked Council for their support and commitment to staff development.

8. **COUNCIL REPORTS AND COMMITTEE UPDATES**

Schmidt:

- Reported that the new Mountain Express bus painting project is complete.
- Reported that Mountain Express director Scott Truex has been appointed to the Clean Cities Committee for Regions 9 and 10.
- Reported that the new blend of biodiesel used by Mountain Express is from Alamosa.

OTHER BUSINESS TO COME BEFORE COUNCIL –None

Schmidt adjourned the meeting at 8:47 p.m. by unanimous consent.

James A. Schmidt, Mayor

Eileen Hughes, Town Clerk